



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**MAY 05 2014**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
Article # 7005 3110 0000 5939 5912

Kenneth Shin, President  
Rose Cleaners  
W.H. Ridge Corporation  
646 Mamaroneck Avenue  
White Plains, NY 10605

**RE: Notice of Violation**  
**RCRA § 3007 Information Request**  
**Rose Cleaners - EPA ID No. NYD 982 729 345**

Dear Mr. Shin:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq.

Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), the EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272. For the purposes of this Information Request and Notice of Violation, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

The State of New York is authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New York.

The Notice of Violation (NOV) portion of this letter (see Attachment I) is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 U.S.C. §§ 6901, 6928. Issuance of this NOV and compliance with its terms does not preclude EPA from taking formal enforcement action against you and/or your company, including a monetary penalty, under § 3008 of RCRA, 42 U.S.C. § 6928, or any other applicable regulation or statute.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA may require parties who handle or have handled hazardous waste to provide information relating to such wastes. Pursuant to the statutory provisions cited above, EPA hereby requires that you provide the information requested in Attachment II, using the instructions and definitions included in Attachment III. This information is necessary to determine the compliance status of Rose Cleaners.

Please provide the information requested no later than thirty (30) calendar days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official or agent of your company, using the form in Attachment IV to this letter.

The response to the request in the attachment must be mailed to the following address:

Mr. Ronald Voelkel  
Environmental Scientist  
RCRA Compliance Branch  
Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency- Region 2  
290 Broadway, 21st Floor  
New York, NY 10007-1866

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed with the legend, or other suitable form of notice, such as "trade secret," "proprietary," or "company confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

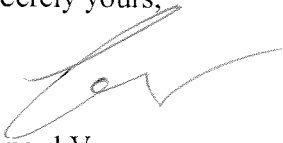
The response must be signed by a responsible official or agent of your company. Failure to respond to this letter truthfully, accurately, and in full within the time provided may subject you to sanction authorized by federal law including, but not limited to, a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. Such enforcement action may include the assessment of a monetary penalty up to \$ 32,500 per day per violation. Please also note that all information you provide may be used in an administrative, civil judicial or criminal action.

This information request is not subject to the requirements of the Paperwork Reduction Act (PRA), as amended, 44 U.S.C. Part 3501 et seq.

For consistency, please provide your answers in a format which is keyed to the sections as outlined in Attachment III to this letter.

If you have any questions regarding this matter, please contact Mr. Ronald Voelkel at (212) 637-1470 or [voelkel.ronald@epa.gov](mailto:voelkel.ronald@epa.gov).

Sincerely yours,



Leonard Voo  
Chief, RCRA Compliance Branch  
Division of Enforcement and Compliance Assistance

Enclosures:	Attachment I	Notice of Violation
	Attachment II	Information Request
	Attachment III	Instructions & Definitions
	Attachment IV	Certification of Answers

cc: Russ Brauksieck, Chief  
Hazardous Waste Compliance Section  
New York State Department of Environmental Conservation

## ATTACHMENT I

### Notice of Violation

#### Rose Cleaners

EPA ID Number NYD 982 729 345

On or about March 13, 2014, a duly authorized representative of the EPA conducted a compliance evaluation inspection of Rose Cleaners located at 646 Mamaroneck Avenue in White Plains, New York. At the time of the inspection, your facility was found to be out of compliance with regulations applicable to generators of hazardous waste. The following RCRA violations were observed:

1. Failure to use manifests to accompany off-site shipments of hazardous waste, in violation of 6 NYCRR § 372.2(b)(5)(i).
2. Failure to ship or offer for shipment hazardous waste to an authorized facility, in violation of 6 NYCRR § 372.2(b)(5)(iii).

At the time of the inspection, it was observed that, rather than using manifests for the off-site shipment of hazardous waste from your facility, you utilized bills of lading addressed to National Waste Clean, a facility that is not permitted as an authorized treatment, storage, and disposal facility of hazardous waste.

3. Failure to maintain and operate the facility to minimize the possibility of a fire, exposure, or any unplanned sudden or non-sudden release of hazardous waste in violation of 6 NYCRR § 373-3.3(b)

At the time of the inspection, it was observed that a hose from a "Galaxy" mister atomizer/evaporator was placed in a sink; the smell of Perchloroethylene ("Perc") was extremely strong in the sink indicating that the device was not being operated correctly and that Perc separator water was being drained to the sink.

4. Failure to post the names and telephone numbers of the emergency coordinators next to the telephone in violation of 6 NYCRR § 372.2(a)(8)(iii)(e)(2)(I).
5. Failure to have a device, such as a telephone, located near a hazardous waste storage area capable of summoning emergency assistance in violation of 6 NYCRR § 372.2(a)(8)(iii)(e)(2)(i).
6. Failure to inspect, at least weekly, area where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion and other factors in violation of 6 NYCRR § 373-3.9(e).
7. Failure to make arrangements where appropriate to familiarize police, fire departments and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes, in violation of 6 NYCRR § 373-3.3(g)(1)(I).

8. Failure to attempt to make arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility in violation of 6 NYCRR § 373-3.3(g)(1)(iv).

At the time of the inspection, you could not produce copies of correspondence which indicate that you had contacted police, fire departments, emergency response teams, and local hospitals to familiarize them with the properties of hazardous waste handled at your facility, and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

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## **ATTACHMENT II**

### **RCRA § 3007 Information Request**

**Rose Cleaners**

**EPA ID Number NYD 982 729 345**

#### **Question 1**

In regards to the violations cited in the above Notice of Violation (Attachment I), please submit, within thirty (30) calendar days of the receipt of this correspondence, a response which may include: (1) a rebuttal of the noted violations; or (2) a description of the actions taken to correct the violations cited in items 1 through 8 and provide documentation, including photographs (where applicable), verifying that each violation has been corrected.

#### **Question 2**

At the time of the inspection, except for recent bills of lading, you were not able to produce copies of documents for off-site shipment of hazardous waste.

- a. Please provide copies of all manifests or any other document for the off-site shipment of all hazardous waste from your facility during the period of February 2011 to February 2014.
- b. Please provide copies of all Land Disposal -Restriction (LDR) forms for the off-site shipment of hazardous waste from your facility for the period of February 2009 to February 2014, inclusive.

#### **Question 3**

At the time of the inspection, it was observed that a Galaxy evaporator/mister wastewater treatment unit was being utilized to treat Perc-contaminated separator water originating from your two dry cleaning machines. However, you did not have any replacement filters for the unit, nor could you produce any purchase records for these filters.

- a. Please provide a copy of the operating manual for each separator water wastewater treatment unit which had been utilized by your facility to treat Perc-contaminated separator water during the period January 2011 to January 2014, inclusive; the manual(s) should include the manufacture and model number of the unit, operational instructions, specifications regarding the unit's capacity, the types of filters used, the order or model number of the replacement filters, and the frequency/periods of time at which the filters are required to be replaced per-quantity of Perc-contaminated separator water it processes.
- b. Please provide a narrative which describes the installation and operation for each of the Perc-contaminated wastewater treatment systems denoted in your response to Question 3a, above, including dates of installation, the manner in which Perc-contaminated wastewater is transferred from the dry cleaning plants to these units, a description of any piping used to direct water effluent from the waste water treatment unit(s) to the outside

of your facility, e.g. to a mister unit, the dates when you replaced the filters for each of these units for the period January 2011 to January 2014, inclusive.

- c. Please provide all records documenting your purchase of replacement filters for each of the wastewater treatment units denoted in your response to Question 3a, above, for the period January 2011 to January 2014; these records should identify the purchasing source, and the dates of purchase, the number of filters purchased, and the manufacture and product number of the filters purchased.
  - d. Provide documentation that the wastewater treatment systems denoted in response to Question 3a, above, meets or had met NYSDEC rules requiring Perc-contaminated wastewater to be treated to assure that the effluent is less than 20 parts-per-billion of Perc (without evaporation).
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### **ATTACHMENT III**

#### **Instructions and Definitions**

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility.
2. A complete response must be made to each individual question in this request for information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The company and/or facility for the purposes of this Request for Information is Rose Cleaners located at 646 Mamaroneck Avenue in White Plains, New York.
11. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Part 6903(5) and in 40 C.F.R., Section 261.3.
12. Manage shall be defined for the purposes of this Request for Information as a market, generate, treat, store, dispose or otherwise handle.



13. Standards applicable to transporters of hazardous waste shall be those as established in 40 C.F.R. Part 263.
14. Hazardous constituents shall be defined as those substances listed in 40 C.F.R. Part 261, Appendix VIII.

**ATTACHMENT IV**  
**Certification of Answers to Responses to Request for Information**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

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NAME (print or type)

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TITLE (print or type)

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SIGNATURE

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DATE